

DIVISION III

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
OLLY NEAL, Judge

CACR05-1168

June 28, 2006

LELAND D. LAWSON
APPELLANT

v.

STATE OF ARKANSAS
APPELLEE

AN APPEAL FROM THE
WASHINGTON COUNTY CIRCUIT
COURT [CR-04-2608-2]

HONORABLE KIM SMITH,
JUDGE

DISMISSED

Appellant Leland Lawson entered a conditional plea of guilty to the charge of possession of drug paraphernalia with intent to manufacture methamphetamine. He was sentenced as a habitual offender to thirty years' in the Arkansas Department of Correction. On appeal, appellant argues that the trial court erred when it denied his motion to suppress. We dismiss the appeal.

The facts of this case are as follows. On the evening of November 7, 2004, Officer Christopher Denton of the Fayetteville Police Department was working as a plain-clothes officer at Marvin's IGA. His purpose was to observe persons trying to purchase precursors for the manufacture of methamphetamine. While on duty, Officer Denton observed a white male, later identified as appellant, shopping. Officer Denton noticed that appellant had a bottle of distilled water and several boxes of matches in his shopping cart. Appellant was observed approaching the checkout line. He later left the line only to return with fewer items in his cart. After leaving the line a second time, appellant returned to the line with the

distilled water and matches. This time appellant made his purchase and exited the store.

Officer Denton observed appellant leaving in an older model green Chevy pickup truck. When appellant failed to yield or signal before entering the main roadway, Officer Denton notified Officer Cameron Crafton, who was parked in a nearby parking lot. Officer Crafton proceeded to follow appellant for several blocks. After observing that appellant's license plate was not illuminated and that appellant changed lanes without signaling, Officer Crafton initiated a traffic stop. During the stop, appellant appeared nervous, was breathing hard, and sweating profusely. Appellant was unable to produce proof of insurance for the vehicle. Precursors for the manufacture of methamphetamine were found in plain sight during a walk around appellant's vehicle. Appellant was placed under arrest for possession of drug paraphernalia with intent to manufacture methamphetamine, lack of insurance, and failure to use a turn signal. Appellant was subsequently charged with possession of drug paraphernalia with intent to manufacture methamphetamine and being a habitual offender.

Thereafter, appellant filed a motion to suppress, arguing that the officer lacked probable cause to stop. The trial court denied appellant's motion. Appellant then entered a conditional plea of guilty, preserving his right to appeal the denial of his motion to suppress. Appellant now brings this appeal.

We dismiss the appeal because appellant fails to appeal from the judgment and commitment order entered pursuant to his guilty plea. Rule 24.3(b) of the Arkansas Rules of Criminal Procedure provides:

With the approval of the court and the consent of the prosecuting attorney, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right, on appeal from the judgment, to review of an adverse determination of a pretrial motion to suppress seized evidence or a custodial statement. If the defendant prevails on appeal, the defendant shall be allowed to withdraw the conditional plea.

Here, appellant appeals from "the ruling against his Motion to Suppress entered herein on

the 5th day of July, 2005.” This fails to satisfy the requirements of Rule 24.3(b) and therefore deprives this court of jurisdiction to hear appellant’s appeal. However, mindful of our supreme court’s recent opinion in *Williams v. State*, ___ Ark. ___, ___ S.W.3d ___ (June 15, 2006), we note that appellant may not be precluded from filing a motion to file a belated appeal.

Dismissed.

GLOVER and ROAF, JJ., agree.